

FINAL BILL REPORT

HB 2477

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Synopsis as Enacted

Brief Description: Making technical changes to election laws.

Sponsors: By Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne; by request of Secretary of State.

House Committee on State Government Operations & Accountability
Senate Committee on Government Operations & Elections

Background:

Signature Verification Procedures

The Secretary of State is required to establish guidelines, in consultation with state and local law enforcement or certified document examiners, for election-related signature verification processes. The statute establishing this duty further provides that all election personnel assigned to verify signatures must receive training on these guidelines. These requirements are codified within the administrative provisions of the general election laws.

Filing Fee Petition

In general, a candidate for office must submit a filing fee with his or her declaration of candidacy. If a candidate lacks sufficient funds at the time of filing to pay the filing fee, the candidate must submit along with his or her declaration of candidacy a "nominating petition" containing the signatures of registered voters at least equal in number to that of the amount of the filing fee. The term "nominating petition" is also used in Washington's election laws to refer to the petition for nominating minor party or independent candidates at a minor party or independent candidate convention.

The Uniformed and Overseas Citizens Absentee Voting Act

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) applies to active members of the military and the merchant marines, their eligible families, and U.S. citizens residing outside of the U.S. The UOCAVA requires that all states allow such persons to vote by absentee ballot in general, special, primary, and runoff elections for federal offices when they are absent from their state of residency. This federal law does not apply to individuals who are not active military or their eligible dependents, but have moved from the person's state of residency to another state (also referred to as out-of-state voters). Washington's statute implementing the UOCAVA requirements provides assistance to all UOCAVA voters as well as out-of-state voters.

Changes in Election Laws

Significant changes have been made to Washington's primary election laws in recent years. Those significant changes include:

- In 2003, the Ninth Circuit Court of Appeals held that Washington's blanket primary system, in place since 1935, was unconstitutional because it violates political parties' right of free association.
- In 2004, the voters approved Initiative 872 (I-872, or "top two" primary election initiative).
- In 2004, the Legislature enacted primary election laws which provided for two alternative primary election systems in the event that I-872 was invalidated.
- In 2005, the United States District Court held I-872 to be unconstitutional because it violates the parties' right to free association.

As a result of these primary election law changes, several laws now appear twice in statute. In other cases some narrowly crafted laws also fall within the broader language of other laws. For example, the narrower prohibition against interfering in any way with a voter within the disability access voting location is included in the broader prohibition against interfering with a voter in any way within the polling place.

Voter Registration Database

The Secretary of State is required to maintain a statewide voter registration data base. The data base is designed to provide, among other things, up-to-date signatures of voters for the purpose of initiative signature checking. The new voter registration database has been in effect since January 1, 2006. Under a previously enacted statute, the Secretary of State is required to maintain voter signature cards for the purpose of checking initiative and referendum signatures. As a result, the Secretary of State is required to maintain voter signatures in two different formats: electronically, in the voter registration data base, and in hard copy, by way of signature cards.

Summary:

Signature Verification Procedures

The language requiring the Secretary of State to establish guidelines for signature verification processes is removed from the general administrative election law provisions, and similar language is added to the Secretary of State's rule-making authority statute. The language added to the rule-making authority statute is modified from a general requirement that guidelines be established to a more specific requirement that rules be established for "standards for the verification of signatures on absentee, mail, and provisional ballot envelopes."

The language requiring that all election personnel assigned to verify signatures be trained on the guidelines is removed from the general provisions and is added to the section addressing the processing of incoming ballots in the chapter on absentee voting.

Filing Fee Petition

The name of the petition that must accompany a candidate's declaration of candidacy if he or she lacks the funds to pay the filing fee is changed from "nominating" petition to "filing fee" petition.

The Uniformed and Overseas Citizens Absentee Voting Act

The language including out-of-state voters in the statute implementing UOCAVA requirements is removed.

Repealed Statutes

The following election laws are repealed:

- 29A.04.157 (September primary)
- 29A.04.610 (Rules by Secretary of State)
- 29A.20.110 (Definitions -- "Convention" and "election jurisdiction")
- 29A.20.130 (Convention -- Notice)
- 29A.20.200 (Declarations of candidacy required, exceptions -- Payment of fees)
- 29A.24.200 (Lapse of election when no filing for single positions -- Effect)
- 29A.28.010 (Major party ticket)
- 29A.28.020 (Death or disqualification -- Correcting ballots -- Counting votes already cast)
- 29A.36.190 (Partisan candidates qualified for general election)
- 29A.44.220 (Casting vote)
- 29A.46.140 (Interference, assistance)
- 29A.46.150 (Prohibitions -- Penalty)
- 29A.46.210 (Procedures for voting)
- 29A.46.220 (Opening and closing locations)
- 29A.46.230 (Voters in location at closing time)
- 29A.46.240 (Procedures after closing)
- 29A.46.250 (Handling of ballots after closing)
- 29A.72.220 (Petitions -- Signature checking -- Registration information file)

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: June 7, 2006